

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

MUSTAFA A. WHITFIELD,	:	
	:	
Plaintiff,	:	
	:	
v.	:	C.A. No. 06-541 GMS
	:	
WILMINGTON POLICE DEPARTMENT,	:	
	:	
Defendant.	:	

DEFENDANT'S WILMINGTON POLICE DEPARTMENT'S
MOTION TO DISMISS, OR IN THE ALTERNATIVE FOR SUMMARY JUDGMENT

For the reasons set forth in Defendant Wilmington Police Department's Opening Brief in Support of Its Motion to Dismiss, or in the Alternative, for Summary Judgment, Defendant Wilmington Police Department, respectfully moves this Court to dismiss the Plaintiffs' Complaint with prejudice pursuant to *Fed.R.Civ.P.* 12(b)(6) for failure to state a claim upon which relief can be granted. In the alternative, Defendant Wilmington Police Department, respectfully moves this Court to grant summary judgment in its favor pursuant to *Fed.R.Civ.P.* 56.

CITY OF WILMINGTON LAW DEPARTMENT

/s/ Andrea J. Faraone
Andrea J. Faraone (I.D. # 3831)
Assistant City Solicitors
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Attorneys for Defendant Wilmington Police Department

Dated: January 8, 2007

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FOR THE DISTRICT OF DELAWARE

MUSTAFA A. WHITFIELD,	:	
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Plaintiff,	:	
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	:	
WILMINGTON POLICE DEPARTMENT,	:	
	:	
Defendant.	:	

ORDER

This _____ day of _____ 2007, the Court having considered Defendant Wilmington Police Department's Motion to Dismiss, or in the Alternative, for Summary Judgment, and for good cause shown, it is hereby ORDERED that Plaintiff's Complaint is DISMISSED WITH PREJUDICE.

Judge Gregory M. Sleet

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WILMINGTON POLICE DEPARTMENT,	:	
	:	
Defendant.	:	

CERTIFICATE OF SERVICE

I, Andrea J. Faraone, Esquire, hereby certify that on this 8th day of January, 2007, I filed the Defendant Wilmington Police Department's Motion to Dismiss, or in the Alternative for Summary Judgment with the Clerk of Court using CM/ECF which will send notification of such filing(s) that this document is available for viewing and downloading from CM/ECF, I also mailed via U.S. Mail, postage pre-paid one copy to the following:

Mustafa A. Whitfield
S.B.I. #317479
Delaware Correctional Center
1181 Paddock Road
Smyrna, DE 19977

/s/ Andrea J. Faraone
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